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SOCIAL AND HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS

Extract from the report of the Commission on Human Rights at its fifty-fourth session*

* The present document is a mimeographed version of chapter 1 of the report of the Commission on Human Rights on its fifty-fourth session, which contains the draft resolutions and draft decisions recommended by the Commission for adoption by the Economic and Social Council. The complete report will be issued as Official Records of the Economic and Social Council, 1998, Supplement No. 3 (E/1998/23).

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I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolutions

I. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1998/7 of 3 April 1998, in which the Commission approved the text of the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (E/CN.4/1998/98, annex),

1. Expresses its appreciation to the Commission on Human Rights for finalizing the draft declaration;

2. Approves the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, as contained in the annex to resolution 1998/7 and recommends it to the General Assembly for adoption at its fifty-third session;

3. Recommends that, after adoption by the General Assembly, the full text of the Declaration should be disseminated as widely as possible.

[See chap. II, sect. A, resolution 1998/7, and chap. XIX.]

II. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1998/14 of 9 April 1998,

1. Authorizes the open-ended inter-sessional working group of the Commission on Human Rights established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of ten working days prior to the fifty-fifth session of the Commission, the costs of the meeting to be met from within existing resources;

2. Requests the Secretary-General to extend all necessary facilities, from within existing United Nations resources, to the working group for its meetings.

[See chap. II, sect. A, resolution 1998/14, and chap. XXIII.]

III. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1998/34 of 17 April 1998,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks, with a possibility of extending it to three weeks, within existing resources, prior to the fifty-fifth session of the Commission in order to continue or conclude the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Requests the Secretary-General to extend to the working group all necessary facilities for its meetings and to transmit the report of the working group (E/CN.4/1998/42 and Corr.1) to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned.

[See chap. II, sect. A, resolution 1998/34, and chap. VIII.]

B. Draft decisions

1. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/6 of 27 March 1998, endorses the Commission's decision to extend for three years the mandate of the Special Rapporteur on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination and to request the Special Rapporteur, in carrying out his mandate, to seek and receive credible and reliable information from Governments, specialized agencies and intergovernmental and non-governmental organizations.

The Council also approves the Commission's request to the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of mercenary activities on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by the activities of mercenaries.

[See chap. II, sect. A, resolution 1998/6, and chap. VII.]

2. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/12 of 9 April 1998, endorses the Commission's decision to renew

for a period of three years the mandate of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights in order that she may continue to undertake, in consultation with the relevant United Nations bodies and organizations and the secretariats of relevant international conventions, a global, multidisciplinary and comprehensive study of existing problems of and solutions to illicit traffic in and dumping of toxic and dangerous products and wastes, in particular in developing countries, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena.

The Council approves the Commission's request to the Secretary-General to make all necessary resources available to the Special Rapporteur to enable her to carry out her mandate successfully and, in particular, to provide her with adequate financial and human resources, including administrative support.

[See chap. II, sect. A, resolution 1998/12, and chap. V.]

3. Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/13 of 9 April 1998, authorizes the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities to meet for five working days prior to the fiftieth session of the Subcommission, and approves the Commission's request to the Secretary-General to provide adequate resources and assistance to the Working Group in the discharge of its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work.

The Council also approves the Commission's request to the United Nations High Commissioner for Human Rights to consider organizing, taking into account the United Nations Decade for Human Rights Education and the priority to be given to education and language at the sixteenth session of the Working Group on Indigenous Populations, and recognizing the importance of strengthening the capacity of indigenous people to develop their own solutions to their problems, a workshop for research and higher education institutions focusing on indigenous issues in education, to improve exchange of information between such institutions and to encourage future cooperation, in consultation with indigenous people and in collaboration with the United Nations Educational, Scientific and Cultural Organization and other relevant United Nations bodies.

[See chap. II, sect. A, resolution 1998/13, and chap. XXIII.]

4. Migrants and human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/16 of 9 April 1998, endorses the Commission's decision to reconvene the working group of intergovernmental experts on the human rights of migrants, on the same basis, in order that it may fulfil its mandate as set out

in paragraph 3 of Commission resolution 1997/15 of 3 April 1997, to meet for two periods of five working days prior to the fifty-fifth session of the Commission.

[See chap. II, sect. A, resolution 1998/16, and chap. XI.]

5. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/18 of 9 April 1998, endorses the Commission's decision to extend for three years the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, as appropriate.

[See chap. II, sect. A, resolution 1998/18, and chap. XVIII.]

6. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/19 of 9 April 1998, endorses the Commission's decision to extend the mandate of the Working Group on Minorities of the Subcommission on Prevention of Discrimination and Protection of Minorities with a view to its holding one session of five working days annually.

[See chap. II, sect. A, resolution 1998/19, and chap. XVI.]

7. A permanent forum for indigenous people in the United Nations system

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/20 of 9 April 1998, endorses the Commission's decision to establish an open-ended inter-sessional ad hoc working group, from within existing overall United Nations resources, to elaborate and consider further proposals for the possible establishment of a permanent forum for indigenous people in the United Nations system, and approves the Commission's request that the ad hoc working group meet for five working days prior to the fifty-fifth session of the Commission.

[See chap. II, sect. A, resolution 1998/20, and chap. XXIII.]

8. The right to food

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/23 of 17 April 1998, approves the Commission's decision to endorse the proposal made by the Consultation on the Right to Adequate Food to

have a follow-up meeting in 1998 to pursue the discussions on the content and means of implementation of the rights related to adequate food in order to provide the United Nations High Commissioner for Human Rights with a full set of recommendations concerning her response to the request of the World Food Summit in objective 7.4 (e) of the Plan of Action of the Summit and, in this regard, to invite the High Commissioner to promote and encourage broader participation by experts from Member States, relevant specialized agencies and programmes, in particular the Food and Agriculture Organization of the United Nations, and non-governmental organizations.

[See chap. II, sect. A, resolution 1998/23, and chap. V.]

9. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/24 of 17 April 1998, endorses the Commission's decision, in particular in the light of recent trends, to appoint, for a three-year period, a special rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights, and approves the Commission's request to the Special Rapporteur to present to the Commission, on an annual basis, beginning at its fifty-fifth session, an analytical report on the implementation of resolution 1998/24.

The Council also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform his or her functions.

[See chap. II, sect. A, resolution 1998/24, and chap. V.]

10. Human rights and extreme poverty

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/25 of 17 April 1998, endorses the Commission's decision to appoint, for a period of two years, an independent expert on the question of human rights and extreme poverty to:

(a) Evaluate the relationship between the promotion and protection of human rights and extreme poverty, including through the evaluation of measures taken at the national and international levels to promote the full enjoyment of human rights by persons living in extreme poverty;

(b) Take into account in particular the obstacles encountered and progress made by women living in extreme poverty as regards the enjoyment of their fundamental rights;

(c) Make recommendations and, as appropriate, proposals in the sphere of technical assistance;

(d) Report on these activities to the Commission on Human Rights at its fifty-fifth and fifty-sixth sessions and to make those reports available to the

Commission for Social Development and the Commission on the Status of Women, as appropriate, for their sessions during the same years;

(e) Contribute to the General Assembly's evaluation in 2000 of the World Summit for Social Development by making his or her final report and conclusions available to the preparatory committee for the special session of the General Assembly devoted to that evaluation;

(f) Make suggestions to the Commission on Human Rights at its fifty-fifth session on the main points of a possible draft declaration on human rights and extreme poverty so that the Commission can consider the possibility of initiating at the fifty-first session of the Subcommission on Prevention of Discrimination and Protection of Minorities the drafting by that body of a text for examination by the Commission and possible adoption by the General Assembly, and to take into account in that regard, inter alia, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Vienna Declaration and Programme of Action, the Copenhagen Declaration and Programme of Action of the World Summit for Social Development, the Agenda for Development and the final report of the Special Rapporteur, Mr. Leandro Despouy (E/CN.4/Sub.2/1996/13).

[See chap. II, sect. A, resolution 1998/25, and chap. V.]

11. Racism, racial discrimination, xenophobia and and related intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/26 of 17 April 1998, approves the Commission's requests:

(a) To the Secretary-General to submit to the General Assembly at its fifty-third session a detailed report on the financial and personnel resources required for the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, and to the General Assembly to consider the possibility of providing the resources required for the implementation of the Programme of Action for the Third Decade;

(b) To the United Nations High Commissioner for Human Rights to take duly into account the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism within the Office of the High Commissioner as a focal point for coordinating all the activities of the Third Decade before they are carried out by the United Nations.

The Council endorses the Commission's decision to create an open-ended working group of the Commission to meet during the fifty-fifth session in order to review and formulate proposals for consideration by the Commission and possible forwarding to the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance at its first session.

The Council also endorses the Commission's recommendations to the General Assembly:

(a) To request the Secretary-General to designate as Secretary-General of the World Conference the United Nations High Commissioner for Human Rights, who,

in that capacity, would assume the main responsibility for the preparations for the Conference;

(b) To declare 2001 a year of mobilization against racism, racial discrimination, xenophobia and related intolerance with the aim of drawing the world's attention to the objectives of the World Conference and giving new momentum to the political commitment.

The Council also approves the Commission's recommendations:

(a) That the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination be focused towards the preparatory process for the World Conference and, in this regard, that the High Commissioner for Human Rights organize symposia, seminars and worldwide consultations in 1998, 1999, 2000 and 2001 on racism, racial discrimination, xenophobia and related intolerance;

(b) That the World Conference result in a declaration and a programme of action to combat racism, racial discrimination, xenophobia and related intolerance.

The Council further approves the Commission's requests to the High Commissioner for Human Rights:

(a) To help States and regional organizations to convene national and regional meetings or undertake other initiatives, including at the expert level, to prepare for the World Conference, and its request to the regional preparatory meetings to present to the Preparatory Committee, through the High Commissioner, reports on the results of their deliberations, with concrete and pragmatic recommendations aimed at combating racism, racial discrimination, xenophobia and related intolerance, which will be duly reflected in the draft final documents to be prepared by the Preparatory Committee;

(b) To inform the Preparatory Committee of the steps taken to prepare the World Conference.

[See chap. II, sect. A, resolution 1998/26, and chap. XII.]

12. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/27 of 17 April 1998, approves the Commission's requests to the Secretary-General:

(a) To provide adequate resources in respect of each human rights treaty body;

(b) To make the most efficient use of existing resources in order to give the human rights treaty bodies adequate administrative support and better access to technical expertise and relevant information;

(c) To seek in the next biennium the resources within the United Nations regular budget necessary to give the human rights treaty bodies adequate

administrative support and better access to technical expertise and relevant information;

(d) To report to the Commission on Human Rights at its fifty-sixth session on measures taken to implement resolution 1998/27 and obstacles to its implementation, and on measures taken or planned to ensure financing and adequate staff and information resources for the effective operation of the human rights treaty bodies.

The Council also approves the Commission's request to the United Nations High Commissioner for Human Rights to take the necessary measures to ensure that the revised Manual on Human Rights Reporting is translated into all the official United Nations languages at the latest by 31 December 2000.

[See chap. II, sect. A, resolution 1998/27, and chap. XIV.]

13. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/33 of 17 April 1998, authorizes the Commission, as part of its efforts to impart a higher visibility to economic, social and cultural rights, to appoint, for a period of three years, a special rapporteur whose mandate will focus on the right to education as laid down in article 26 of the Universal Declaration of Human Rights and will comprise the tasks enumerated in paragraph 6 (a) (i) to (viii) of resolution 1998/33.

The Council requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the execution of his mandate.

[See chap. II, sect. A, resolution 1998/33, and chap. V.]

14. Torture and other cruel, inhuman or degrading treatment or punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/38 of 17 April 1998, endorses the Commission's decision to extend for three years the mandate of the Special Rapporteur on the question of torture.

The Council approves the Commission's requests to the Secretary-General to continue to include the United Nations Voluntary Fund for Victims of Torture on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities, and to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing as well as the necessary technical

facilities for the United Nations bodies and mechanisms dealing with torture, in order to ensure their effective performance.

[See chap. II, sect. A, resolution 1998/38, and chap. VIII.]

15. Question of enforced or involuntary disappearances

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/40 of 17 April 1998, endorses the Commission's decision to renew for a period of three years the mandate of the Working Group on Enforced or Involuntary Disappearances, comprising five independent experts.

The Council approves the Commission's request to the Secretary-General to ensure that the Working Group receives all the assistance and resources, especially a database on cases of enforced disappearance, that it requires to perform its function, carry out and follow up missions, hold sessions in countries that would be prepared to receive it and update the database.

[See chap. II, sect. A, resolution 1998/40, and chap. VIII.]

16. The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/43 of 17 April 1998, approves the Commission's request to the Chairman of the Commission to appoint an expert to prepare a revised version of the basic principles and guidelines elaborated by the former Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities, Mr. Theo van Boven, taking into account the views and comments provided by States and intergovernmental and non-governmental organizations, and to submit it to the Commission at its fifty-fifth session, with a view to its adoption by the General Assembly.

[See chap. II, sect. A, resolution 1998/43, and chap. VIII.]

17. Internally displaced persons

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/50 of 17 April 1998, endorses the Commission's decision to extend the mandate of the representative of the Secretary-General on internally displaced persons for a further three years.

[See chap. II, sect. A, resolution 1998/50, and chap. IX.]

18. National institutions for the promotion and protection of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/55 of 17 April 1998, approves the Commission's requests to the Secretary-General:

(a) To continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee created by national institutions for the promotion and protection of human rights during the sessions of the Commission on Human Rights, under the auspices of, and in cooperation with, the Office of the United Nations High Commissioner for Human Rights;

(b) To continue to provide, from within existing resources and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for regional meetings of national institutions.

[See chap. II, sect. A, resolution 1998/55, and chap. IX.]

19. Situation of human rights in Cambodia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/60 of 17 April 1998, approves the Commission's requests to the Secretary-General:

(a) Through his Special Representative for human rights in Cambodia, in collaboration with the office in Cambodia of the United Nations High Commissioner for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources for the enhanced functioning of the operational presence in Cambodia of the Office of the High Commissioner for Human Rights and to enable the Special Representative to continue to fulfil his tasks expeditiously;

(b) To examine the request by the Cambodian authorities for assistance in responding to past serious violations of Cambodian and international law, including the possibility of the appointment, by the Secretary-General, of a group of experts to evaluate the existing evidence and propose further measures, as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability.

[See chap. II, sect. A, resolution 1998/60, and chap. XVII.]

20. Situation of human rights in the Democratic Republic of the Congo

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/61 of 21 April 1998, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo for a further year, to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session on human rights in the Democratic Republic of the Congo and on the possibilities

for the international community to assist with local capacity-building, and to request him to continue to keep a gender perspective in mind when seeking and analysing information.

[See chap. II, sect. A, resolution 1998/61, and chap. X.]

21. Situation of human rights in Myanmar

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/63 of 21 April 1998, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Myanmar, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session, and to keep a gender perspective in mind when seeking and analysing information.

The Council approves the Commission's request to the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully and to pursue all efforts to ensure that the Special Rapporteur is authorized to visit Myanmar.

[See chap. II, sect. A, resolution 1998/63, and chap. X.]

22. Situation of human rights in Nigeria

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/64 of 21 April 1998, endorses the Commission's decision:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in Nigeria, as contained in Commission resolution 1997/53 of 15 April 1997, for a further year, and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully.

[See chap. II, sect. A, resolution 1998/64, and chap. X.]

23. Situation of human rights in Iraq

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/65 of 21 April 1998, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Iraq, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, and to request the Special Rapporteur to submit an interim report on the situation of human rights in Iraq

to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session.

The Council approves the Commission's request to the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq.

[See chap. II, sect. A, resolution 1998/65, and chap. X.]

24. Situation of human rights in the Sudan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/67 of 21 April 1998, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Sudan for an additional year, and approves the Commission's request to the Secretary-General to give the Special Rapporteur all necessary assistance, from within existing resources, in the discharge of his mandate.

The Council also approves the Commission's requests to the Special Rapporteur to report to the Commission on the future need for human rights field officers, with the understanding that the Commission will, at its fifty-fifth session, reassess such need, and to report his findings and recommendations to the General Assembly at its fifty-third session and to the Commission at its fifty-fifth session.

[See chap. II, sect. A, resolution 1998/67, and chap. X.]

25. Extrajudicial, summary or arbitrary executions

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/68 of 21 April 1998, endorses the Commission's decision to extend the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions for three years, and approves the Commission's request to the Secretary-General to provide the Special Rapporteur with an adequate and stable level of human, financial and material resources, in order to enable him to continue to carry out his mandate effectively, including through country visits.

[See chap. II, sect. A, resolution 1998/68, and chap. X.]

26. Situation of human rights in Rwanda

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/69 of 21 April 1998, endorses the Commission's decision to extend for a further year the mandate of the Special Representative of the Commission on the situation of human rights in Rwanda to make recommendations on how to improve the human rights situation in Rwanda, to facilitate the creation

and effective functioning of an independent national human rights commission in Rwanda, and further to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate, and approves the Commission's request to the Special Representative to report to the General Assembly at its fifty-third session and to the Commission at its fifty-fifth session, in accordance with his mandate, and its request to the Secretary-General to provide the Special Representative with such financial assistance as he may require to discharge his mandate.

[See chap. II, sect. A, resolution 1998/69, and chap. X.]

27. Situation of human rights in Afghanistan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/70 of 21 April 1998, approves the Commission's requests to the Secretary-General to give all necessary assistance to the Special Rapporteur on the situation of human rights in Afghanistan and to the United Nations High Commissioner for Human Rights to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide advice and training in the field of human rights to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field.

The Council endorses the Commission's decision to extend the mandate of the Special Rapporteur for one year, and to request the Special Rapporteur to report on the situation of human rights in Afghanistan to the General Assembly at its fifty-third session and to the Commission at its fifty-fifth session.

[See chap. II, sect. A, resolution 1998/70, and chap. X.]

28. Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/71 of 21 April 1998, endorses the Commission's decision to renew the mandate of the Special Rapporteur on the situation of human rights in Equatorial Guinea for one year, and approves the Commission's requests to the Special Rapporteur to submit to the Commission at its fifty-fifth session a report stressing, in particular, recommendations on technical assistance needs of Equatorial Guinea in the fields of human rights and democracy, and to the Secretary-General to provide the Special Rapporteur with all necessary assistance for the discharge of his mandate.

[See chap. II, sect. A, resolution 1998/71, and chap. X.]

29. The right to development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/72 of 22 April 1998, endorses the Commission's recommendation, in view of the urgent need to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to

Development, to establish a follow-up mechanism, initially for a period of three years, consisting of:

(a) The establishment of an open-ended working group to meet for a period of five working days each year, after the fifty-fifth and fifty-sixth sessions of the Commission on Human Rights, with a mandate:

(i) To monitor and review progress made in the promotion and implementation of the right to development as elaborated in the Declaration on the Right to Development, at the national and international levels, providing recommendations thereon and further analysing obstacles to its full enjoyment, focusing each year on specific commitments in the Declaration;

(ii) To review reports and any other information submitted by States, United Nations agencies, other relevant international organizations and non-governmental organizations on the relationship between their activities and the right to development;

(iii) To present for the consideration of the Commission on Human Rights a sessional report on its deliberations, including, inter alia, advice to the Office of the United Nations High Commissioner for Human Rights with regard to the implementation of the right to development, and suggesting possible programmes of technical assistance at the request of interested countries with the aim of promoting the implementation of the right to development;

(b) The appointment by the Chairman of the Commission on Human Rights of an independent expert with high competence in the field of the right to development, with a mandate to present to the working group at each of its sessions a study on the current state of progress in the implementation of the right to development as a basis for a focused discussion, taking into account, inter alia, the deliberations and suggestions of the working group.

[See chap. II, sect. A, resolution 1998/72, and chap. VI.]

30. Human rights and thematic procedures

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/74 of 22 April 1998, approves the Commission's request to the Secretary-General, in implementing the United Nations budget for the current biennium, to ensure the availability of such resources as are necessary for the effective implementation of all human rights thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs, representatives, experts and working groups by the appropriate United Nations organs.

[See chap. II, sect. A, resolution 1998/74, and chap. IX.]

31. Rights of the child

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/76 of 22 April 1998, endorses the Commission's decisions:

(a) With regard to the Committee on the Rights of the Child, to request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, while noting the temporary support given by the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child, based on voluntary contributions, which provide human resources to assist the Committee with the increasing workload due to the near universalization of the Convention, and to request the Office of the United Nations High Commissioner for Human Rights to brief Governments regularly on the implementation of the Plan of Action;

(b) With regard to the Special Rapporteur on the sale of children, child prostitution and child pornography, to renew the mandate of the Special Rapporteur for a further three years, to request the Secretary-General to provide the Special Rapporteur with all necessary assistance, and to urge all relevant parts of the United Nations system to provide the Special Rapporteur with comprehensive reporting to make the full discharge of her mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-third session and a report to the Commission on Human Rights at its fifty-fifth session;

(c) With regard to the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, to request the working group on the question of a draft optional protocol to meet for a period of two weeks prior to the next session of the Commission on Human Rights and to redouble its efforts with the aim of finalizing the draft optional protocol by the tenth anniversary of the Convention on the Rights of the Child, and, to that end, to encourage the Chairman of the working group to conduct broad informal consultations;

(d) With regard to the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, to encourage the Chairman of the working group on the draft optional protocol to conduct broad informal consultations with the aim of promoting an early agreement on the optional protocol and to produce a report thereon by the end of 1998 including, if possible, recommendations and/or ideas on the best way for the formal negotiations to proceed; to request the working group to meet in early 1999, primarily to consider the Chairman's report on the status of the informal consultations, which should be available well in advance, and to report to the Commission on Human Rights at its fifty-fifth session; to request the Secretary-General to give the necessary support to the working group to meet for a maximum of two weeks, if the working group decides that an agreement on the draft optional protocol is possible at that session; and to reaffirm the aim of finalizing the draft optional protocol by the tenth anniversary of the Convention on the Rights of the Child;

(e) With regard to the Special Representative of the Secretary-General on the impact of armed conflict on children, to recommend that the Secretary-General ensure that the necessary support is made available to the Special Representative for the effective performance of his mandate, to encourage the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights to provide support to the Special Representative, and to call

upon other institutions and States to provide voluntary contributions for that purpose.

[See chap. II, sect. A, resolution 1998/76, and chap. XX.]

32. Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/79 of 22 April 1998, endorses the Commission's decision to renew the mandate of the Special Rapporteur for one year and welcomes the appointment of a new Special Rapporteur on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia.

The Council approves the Commission's request to the new Special Rapporteur, in addition to the activities mandated in Commission resolutions 1994/72 of 9 March 1994, 1996/71 of 23 April 1996 and 1997/57 of 15 April 1997:

(a) To work with the United Nations High Commissioner for Human Rights on behalf of the United Nations in dealing with the question of missing persons, including by participation in the International Commission on Missing Persons advisory group and other groups involved in missing persons issues, such as those chaired by the Office of the High Representative and the International Committee of the Red Cross, and to include in his report to the Commission on Human Rights information about activities concerning missing persons in the former Yugoslavia;

(b) To pay particular attention to the situation of persons belonging to ethnic minorities, displaced persons, refugees and returnees who fall within his mandate;

(c) To address human rights issues that transcend the borders between the States covered by his mandate and which can be addressed only through concerted action in more than one country.

The Council also approves the Commission's requests that the Special Rapporteur carry out missions to:

(a) Bosnia and Herzegovina;

(b) The Republic of Croatia, including Eastern Slavonia, Baranja and Western Sirmium;

(c) The Federal Republic of Yugoslavia, including to Kosovo, as well as to Sandjak and Vojvodina.

The Council also endorses the Commission's decisions:

(a) To request the Special Rapporteur to report to the Commission, at its fifty-fifth session, on the work carried out in fulfilment of his mandate and to present interim reports to the General Assembly at its fifty-third session;

(b) To request the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and to the Organization for Security and Cooperation in Europe;

(c) To urge the Secretary-General, within existing resources, to make all necessary resources available for the Special Rapporteur to carry out his mandate successfully and, in particular, to provide him with adequate staff based in the countries of the mandate to ensure effective continuous monitoring of the human rights situation in those countries and coordination with other international organizations involved.

[See chap. II, sect. A, resolution 1998/79, and chap. X.]

33. Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/80 of 22 April 1998, endorses the Commission's decision to extend the mandate of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, to request the Special Representative to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session, and to keep a gender perspective in mind when seeking and analysing information, and to request the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully.

[See chap. II, sect. A, resolution 1998/80, and chap. X.]

34. Situation of human rights in Burundi

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/82 of 24 April 1998, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in Burundi for one year, and to request him to submit an interim report to the General Assembly at its fifty-third session and a report to the Commission at its fifty-fifth session, and to give his work a gender-specific dimension.

[See chap. II, sect. A, resolution 1998/82, and chap. X.]

35. Question of resources for the Office of the United Nations High Commissioner for Human Rights and the human rights activities of the United Nations

The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/83 of 24 April 1998, approves the Commission's appeal to the Council and to the Secretary-General and the General Assembly to take all necessary steps, without delay, to secure for the Office of the United Nations High Commissioner for Human Rights and for other relevant components of the Organization regular budget resources for the current and future bienniums that will be sufficient to permit the effective fulfilment of the responsibilities

and mandates established by Member States and commensurate with the importance assigned by the Charter of the United Nations to the promotion and protection of human rights.

[See chap. II, sect. A, resolution 1998/83, and chap. III.]

36. Effects of structural adjustment policies on the full enjoyment of human rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1998/102 of 9 April 1998, endorses the Commission's decision to authorize the open-ended working group on structural adjustment programmes and economic, social and cultural rights to meet for one week, at least four weeks before the fifty-fifth session of the Commission, to consider the report of the independent expert and the comments received thereon and to report to the Commission at its fifty-fifth session.

In order that the working group may carry out its mandate, the Council decides:

(a) To request the Secretary-General to circulate the report of the independent expert to Governments, United Nations bodies, in particular the regional commissions, the specialized agencies, intergovernmental organizations, non-governmental organizations, particularly those involved in development, and academic institutions and organizations representing disadvantaged and vulnerable groups, and to invite them to submit their comments thereon to the working group at its next session;

(b) To request the Secretary-General to invite and encourage non-governmental organizations involved in development and working in the field to participate actively in the sessions of the working group;

(c) To request the Secretary-General to provide all the necessary assistance and resources to enable the working group to complete its task and to provide the independent expert with all the necessary assistance and resources to carry out his mandate.

[See chap. II, sect. B, decision 1998/102, and chap. V.]

37. Protection of the heritage of indigenous people

The Economic and Social Council, taking note of Commission on Human Rights decision 1998/103 of 9 April 1998 and resolution 1997/13 of 22 August 1997 of the Subcommission on Prevention of Discrimination and Protection of Minorities, approves the Commission's decision to endorse the recommendation of the Subcommission that the United Nations High Commissioner for Human Rights organize a seminar on the draft principles and guidelines for the protection of the heritage of indigenous people (E/CN.4/Sub.2/1994/31, annex) and the participation of the Special Rapporteur, Ms. Erica-Irene A. Daes, representatives of Governments, United Nations bodies and organizations,

specialized agencies and organizations of indigenous people, and competent indigenous persons.

[See chap. II, sect. B, decision 1998/103, and chap. XXIII.]

38. Freedom of movement and population transfer

The Economic and Social Council, taking note of Commission on Human Rights decision 1998/106 of 17 April 1998 and resolution 1997/29 of 28 August 1997 of the Subcommission on Prevention of Discrimination and Protection of Minorities, approves the Commission's recommendation that the final report of Mr. Awn Al-Khasawneh, Special Rapporteur on human rights and population transfer (E/CN.4/Sub.2/1997/23), be published and widely disseminated.

[See chap. II, sect. B, decision 1998/106, and chap. IX.]

39. Human rights and terrorism

The Economic and Social Council, taking note of Commission on Human Rights decision 1998/107 of 17 April 1998 and resolution 1997/39 of 28 August 1997 of the Subcommission on Prevention of Discrimination and Protection of Minorities, endorses the Commission's decision to approve the appointment of Ms. Kalliopi K. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper (E/CN.4/Sub.2/1997/28), and to request the Special Rapporteur to submit a preliminary report to the Subcommission at its fiftieth session, a progress report at its fifty-first session and a final report at its fifty-second session.

The Council approves the Commission's request to the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task.

[See chap. II, sect. B, decision 1998/107, and chap. IX.]

40. Question of human rights and states of emergency

The Economic and Social Council, taking note of Commission on Human Rights decision 1998/108 of 21 April 1998 and resolution 1997/27 of 28 August 1997 of the Subcommission on Prevention of Discrimination and Protection of Minorities, endorses the Commission's decision to request the Office of the United Nations High Commissioner for Human Rights to submit to the Subcommission at its fifty-first session, and every second year thereafter, a list of States in which a state of emergency was proclaimed or was continued during the reporting period.

[See chap. II, sect. B, decision 1998/108, and chap. XV.]

41. Organization of the work of the fifty-fifth session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1998/110 of 22 April 1998, approves the Commission's recommendation, bearing in mind Council decisions 1994/297 of 29 July 1994 and 1995/296 of 25 July 1995, that the fifty-fifth session of the Commission should be scheduled to take place from 15 March to 23 April 1999.

[See chap. II, sect. B, decision 1998/110, and chap. III.]

42. Organization of the work of the fifty-fifth session of the Commission on Human Rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1998/111 of 22 April 1998, authorizes, if possible within existing financial resources, thirty fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-fifth session. The Council approves the Commission's request to the Chairman of the Commission at its fifty-fifth session to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings authorized by the Council would be utilized only if they proved to be absolutely necessary.

[See chap. II, sect. B, decision 1998/111, and chap. III.]